

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DePuy Mitek, Inc.	)	
a Massachusetts Corporation	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-12457 PBS
	)	
Arthrex, Inc.	)	
a Delaware Corporation, <i>et al.</i>	)	
	)	
Defendants.	)	
	)	

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND TIME FOR FILING RESPONSE  
TO DEPUY MITEK, INC.'S MEMORANDUM IN SUPPORT OF ITS RENEWED  
MOTION FOR JUDGMENT AS A MATTER OF LAW ON THE ISSUE OF  
INFRINGEMENT, OR IN THE ALTERNATIVE, A NEW TRIAL**

Defendants Arthrex, Inc. ("Arthrex") and Pearsalls, Ltd. ("Pearsalls") (together, "defendants") move to extend the time for filing a response to DePuy Mitek, Inc.'s ("DePuy Mitek's") memorandum in support of its renewed motion for judgment as a matter of law on the issue of infringement, or in the alternative, a new trial until October 18, 2007.

According to local rule 7.1(b)(2), a response to DePuy Mitek's memorandum is due on October 11, 2007. In accordance with Local Rule 7.1(a)(2), counsel for defendants certify that they conferred with counsel for DePuy Mitek on October 4, 2007. DePuy Mitek does not oppose this motion.

Dated: October 4, 2007

Respectfully submitted,

By: /s/Salvatore P. Tamburo  
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Counsel for Defendants  
Arthrex, Inc. and Pearsalls Ltd.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing DEFENDANTS' UNOPPOSED MOTION TO EXTEND TIME FOR FILING RESPONSE TO DEPUY MITEK, INC.'S MEMORANDUM IN SUPPORT OF ITS RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW ON THE ISSUE OF INFRINGEMENT, OR IN THE ALTERNATIVE, A NEW TRIAL and proposed Order were served, via the Court's email notification system on the following counsel for Plaintiff on the 4th day of October 2007:

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\_\_\_\_\_  
/s/Salvatore P. Tamburo

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	)	
Defendants.	)	

**[PROPOSED] ORDER**

Upon consideration of Defendants' unopposed motion to extend time for filing response to DePuy Mitek, Inc.'s memorandum in support of its renewed motion for judgment as a matter of law on the issue of infringement, or in the alternative, a new trial, it is ORDERED that the motion is GRANTED.

This \_\_ day of October 2007.

\_\_\_\_\_  
PATTI B. SARIS  
UNITED STATES DISTRICT COURT JUDGE